

FREQUENTLY ASKED QUESTIONS

Environmental Protection Performance Standards at Oil and Gas Well Sites

Onsite processing
(§ 78a.58)

The purpose of this Frequently Asked Questions (FAQ) document is to highlight changes in and address questions about the new regulations. This FAQ should not be used in lieu of reference to the 2012 Oil and Gas Act, 25 Pa.Code Chapter 78a and other applicable laws and regulations. The answers outlined in this FAQ are intended to supplement existing requirements. Nothing in this document shall affect statutory or regulatory requirements.

This document is not an adjudication or a regulation. There is no intent on the part of the Department to give this document that weight or deference. The Department may supplement or amend this document at any time as necessary without notice.

- 1) How are you defining “processing” under section 78a.58?

Process or processing is defined in section 78a.1 as having “the same meaning as “processing” as defined in section 103 of the Solid Waste Management Act (35 P.S. § 6018.103).” section 3273.1(a) of the 2012 Oil and Gas Act ties onsite management of waste back to the Solid Waste Management Act, so it was important to make sure the definitions and requirements were aligned between the two statutes. This was also why the exemptions under section 78a.58(b) were added. Arguably, those exemptions could be included under the Solid Waste Management Act definition of “processing,” and DEP felt those actions were appropriate to be allowed without prior Department approval.
(posted 10/19/16)

- 2) Is water simply flowing through a sand filter and separator consider processed by rule?

Water simply flowing through a sand filter or separator is not considered to be “processing.” However, if any type of coagulate or other chemical additive is added, then this would be considered “processing” and require prior DEP approval. (posted 10/19/16)

- 3) If waste leaving a site is going to a facility outside of PA for treatment or disposal, is characterization required? If yes, can you explain why characterization is required?

Yes, the Waste Management Program requires the characterization for the transportation of the waste within Pennsylvania borders under the residual waste regulations. (posted 10/19/16)